

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

DON BLANKENSHIP,

Plaintiff,

v.

Civil Action No. 2:19-cv-00236

FOX NEWS NETWORK, LLC et al.,

Defendants.

ORDER

The plaintiff commenced this action by filing a complaint on or about March 14, 2019, in Mingo County Circuit Court against 27 named defendants. ECF No. 1-1. The action was removed to this court on March 29, 2019. See ECF No. 1. On April 9, 2019, the plaintiff filed his operative, amended complaint against numerous named defendants, including for the first time, as pertinent to this order, Chris Jones, Matt Howerton, Hayride Media, LLC ("Hayride"), and Jim Heath. See ECF No. 14.

The plaintiff served process on Mr. Jones and Hayride on June 27, 2019, see ECF No. 284, and he served process on Mr. Howerton on July 27, 2019, see ECF No. 160. Since then, Mr. Jones, Mr. Howerton, and Hayride have not filed an answer or otherwise made an appearance in this action, nor have they

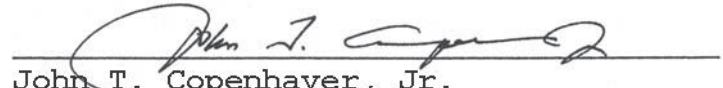
participated in any way in this action's proceedings. The plaintiff has not moved for default or summary judgment against them, does not appear to have sought discovery from them, and does not otherwise seem to have pursued his claims against them.

The plaintiff served process on Mr. Heath on June 20, 2019, and Mr. Heath filed a pro se answer on June 27, 2019. See ECF No. 77; ECF No. 89. Mr. Heath appears to have been involved in early case-management proceedings, such as the parties' Fed. R. Civ. P. 26(f) planning meeting in May 2020 and the parties' joint stipulation regarding electronic service of papers in June 2020, see ECF No. 440; ECF No. 474, but does not seem to have participated in the action's proceedings since then. The plaintiff does not appear to have sought discovery from or judgment against Mr. Heath or otherwise pursued his claim against Mr. Heath.

In view of the foregoing, it is ORDERED that the plaintiff is directed to show cause, by responding to this order on or before September 20, 2021, why the claims asserted in his complaint against Mr. Jones, Hayride, Mr. Howerton, and Mr. Heath should not be dismissed for failure to prosecute. See Link v. Wabash R.R. Co., 370 U.S. 626 (1962).

The Clerk is directed to transmit copies of this order to all counsel of record and to any unrepresented parties.

ENTER: August 31, 2021


John T. Copenhaver, Jr.
Senior United States District Judge